UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/50/L.14
27 November 1995

ORIGINAL: ENGLISH

Fiftieth session
SIXTH COMMITTEE
Agenda item 142

ESTABLISHMENT OF AN INTERNATIONAL CRIMINAL COURT

Draft resolution proposed by the Chairman

The General Assembly,

Recalling its resolution 47/33 of 25 November 1992, in which it requested the International Law Commission to undertake the elaboration of a draft statute for an international criminal court,

Recalling also its resolution 48/31 of 9 December 1993, in which it requested the International Law Commission to continue its work on the question of the draft statute for an international criminal court, with a view to elaborating a draft statute for such a court, if possible at the Commission's forty-sixth session in 1994,

Recalling further that the International Law Commission adopted a draft statute for an international criminal court 1/ at its forty-sixth session and decided to recommend that an international conference of plenipotentiaries be convened to study the draft statute and to conclude a convention on the establishment of an international criminal court, 2/

Recalling its resolution 49/53 of 9 December 1994, in which it decided to establish an ad hoc committee, open to all States Members of the United Nations or members of specialized agencies, to review the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, in the light of that review, to consider

---

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), para. 91.

2/ Ibid., para. 90.

arrangements for the convening of an international conference of plenipotentiaries,

Noting that the Ad Hoc Committee on the Establishment of an International Criminal Court has made considerable progress during its sessions on the review of the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission,

Noting also that the States participating in the Ad Hoc Committee still have different views on major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and that, therefore, further discussions are needed for reaching consensus on the above issues in the future,

Noting further that the Ad Hoc Committee is of the opinion that issues can be addressed most effectively by combining further discussions with the drafting of texts, with a view to preparing a consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries,

Noting that the Ad Hoc Committee recommends that the General Assembly take up the organization of future work with a view to its early completion, given the interest of the international community in the establishment of an international criminal court,

Noting also that the Ad Hoc Committee encourages participation by the largest number of States in future work in order to promote universality,

Expressing deep appreciation for the renewed offer of the Government of Italy to host a conference on the establishment of an international criminal court,

1. Takes note of the report of the Ad Hoc Committee on the Establishment of an International Criminal Court, 3/ including the recommendations contained therein, and expresses its appreciation to the Ad Hoc Committee for the useful work done;

2. Decides to establish a preparatory committee open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, to discuss further the major substantive and administrative issues arising out of the draft statute prepared by the International Law Commission and, taking into account the different views expressed during the meetings, to draft texts, with a view to preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries, and also decides that the work of the Preparatory Committee should be based on the draft statute prepared by the International Law Commission and should take into account the report of the Ad Hoc Committee and the written comments submitted by States to the Secretary-General on the draft statute for an international

---

3/ Ibid., Fiftieth Session, Supplement No. 22 (A/50/22).

criminal court pursuant to paragraph 4 of General Assembly resolution 49/53 and, as appropriate, contributions of relevant organizations;

3. Also decides that the Preparatory Committee will meet from 25 March to 12 April and from 12 to 30 August 1996 and submit its report to the General Assembly at the beginning of its fifty-first session, and requests the Secretary-General to provide the Preparatory Committee with the necessary facilities for the performance of its work;

4. Urges participation in the Preparatory Committee by the largest number of States in order to promote universal support for an international criminal court;

5. Decides to include in the provisional agenda of its fifty-first session an item entitled "Establishment of an international criminal court", in order to study the report of the Preparatory Committee and, in the light of that report, to decide on the convening of an international conference of plenipotentiaries to finalize and adopt a convention on the establishment of an international criminal court, including on the timing and duration of the conference.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.6/50/L.15
28 November 1995

ORIGINAL: ENGLISH

Fiftieth session
SIXTH COMMITTEE
Agenda item 145

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Argentina, Brazil, Bulgaria, Egypt, New Zealand and Philippines: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the provisions of its resolution 50/__ [draft resolution A/C.6/50/L.6/Rev.1],

Conscious of the ongoing discussion in the open-ended working groups of the General Assembly dealing with the various aspects of the revitalization, strengthening and reform of the work of the United Nations,

Welcoming the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, 1/

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 2/ thirty-ninth, 3/ fortieth, 4/ forty-first, 5/ forty-second, 6/ forty-third, 7/ forty-fourth, 8/ forty-fifth, 9/ forty-sixth, 10/ forty-seventh, 11/ forty-eighth, 12/ forty-ninth 13/ and fiftieth 14/ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Recalling its resolution 49/58 of 9 December 1994,

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 47 (A/49/47).

2/ Ibid., Thirty-seventh Session, Supplement No. 1 (A/37/1).

3/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

4/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

5/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

6/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

7/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

8/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

9/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

10/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

11/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

12/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

13/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

14/ Ibid., Fiftieth Session, Supplement No. 1 (A/50/1).

Having considered the report of the Special Committee on the work of its session held in 1995, 15/

Taking note of the recommendation of the Special Committee on the most appropriate legal action to be taken on the question of the deletion of the "enemy State" clauses from Articles 53, 77 and 107 of the Charter of the United Nations, 16/

Recognizing that, having regard to the substantial changes that have taken place in the world, the "enemy State" clauses in Articles 53, 77 and 107 of the Charter of the United Nations have become obsolete,

Noting that the States to which those clauses were directed are Members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Taking into account the complex process involved in amending the Charter,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 15/

2. Decides that the Special Committee will hold its next session from 21 February to 5 March 1996;

3. Expresses its intention to initiate the procedure set out in Article 108 of the Charter of the United Nations to amend the Charter, with prospective effect, by the deletion of the "enemy State" clauses from Articles 53, 77 and 107 at its earliest appropriate future session;

4. Requests the Special Committee, at its session in 1996, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1996, including the proposal on the strengthening of the role of the Organization and enhancing its effectiveness and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security, and to consider recommending to the General Assembly the desired priorities for its further consideration;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the

---

15/ Ibid., Supplement No. 33 (A/50/33).

16/ Ibid., para. 65.

Charter, taking into consideration the report of the Secretary-General, 17/ the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fiftieth session of the General Assembly and, in particular, the implementation of the provisions of General Assembly resolution 50/__ [draft resolution A/C.6/50/L.13];

(c) To continue its work on the question of the peaceful settlement of disputes between States, and in this context to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

(e) To consider proposals concerning the Trusteeship Council;

(f) To consider the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council; 18/

5. Decides that the Special Committee shall henceforth be open to all States Members of the United Nations and that it will continue to operate on the basis of the practice of consensus;

6. Decides also that the Special Committee shall be authorized to accept the participation of observers of States other than States Members of the United Nations which are members of specialized agencies or of the International Atomic Energy Agency in its meetings, and further decides to invite intergovernmental organizations to participate in the debate in the plenary meetings of the Committee on specific items where it considers that such participation would assist in the work;

7. Invites the Special Committee at its session in 1996 to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, and to discuss how to offer its assistance to the working groups of the General Assembly in this field;

8. Requests the Special Committee to submit a report on its work to the General Assembly at the fifty-first session;

9. Decides to include in the provisional agenda of its fifty-first session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

17/ A/50/361.

18/ See A/C.6/50/SR.44.